

Food Vendor Pilot Program Public Right-of-Way

The City of Albany recognizes that food vendors promote public interest by contributing to a dynamic environment. Albany desires to be a city that employs a simple program that allows food vendors while minimizing negative impacts to and ensuring the safety of pedestrian and vehicular traffic.

In order for the City to determine the most appropriate food vendor policy to meet the needs of vendors and the public, a Pilot Program will be conducted. This Pilot Program will provide the City of Albany evaluative data for implementing a successful food vendor program and will be conducted in two phases. Phase I will begin in August 2014 and end in late October 2014. It will be limited in scope. Phase II will build off of the lessons learned in Phase I. Phase II is expected to be implemented for the spring-fall 2015 season. Information gathered during the pilot phases will help inform a more permanent food vendor policy.

The Food Vendor Pilot Program will:

- Provide the city with evaluative data and feedback in preparation for any legislation.
- Allow the flexibility to adjust operations for any unexpected consequences and ensure the program is operating as expected.
- Acquaint the public with the program.
- Allow the city to estimate cost and staffing needs.
- Provide the city with necessary information to change the decision-making in the existing vendor program regarding fees, locations, etc.

The City code §363-2 for the City of Albany, defines three types of food vendors that can do business in the city. (A) Curbside Vendor — A vendor who parks a motor vehicle at the licensed location in connection with the operation of one refreshment business or stand, whether the vehicle serves as the refreshment stand or not; (B) Sidewalk Vendor — A vendor who operates and locates one refreshment business or stand on the sidewalk only and who does not park a motor vehicle at the licensed location; (C) Ice Cream Truck Vendor — A vendor who sells ice cream as a primary product from one motor vehicle and along the public streets. This Pilot Program will apply only to curbside and sidewalk vendors, collectively referred to in this document as food vendors.

Food Vendor Pilot Program Public Right-of-Way – Phase I

Within Phase I of the pilot program, different regulations will apply for public parks and public right-of-way. Therefore, the pilot program is divided into two components. This document is applicable for food vendors seeking to vend in the public right-of-way (zones C-1, C-2, C-3, C-O, C-M), whereas the document “Food Vendor Pilot Program Public Parks” is applicable for food vendors seeking to vend in Washington Park or Lincoln Park.

Permits for food vendors operating in the public right-of-way will be issued by the City Clerk’s Office.

Notification of changes to pilot program regulations will be posted at the City Clerk web site.

Applications will be examined and evaluated by the special events committee on a rolling basis to determine whether each vendor meets the requirements of this application based on the following criteria:

- Vendor's demonstrated capabilities, professional qualifications, and experience.
- The wherewithal of the Vendor to render the requested services to the City.
- Menu Options/Variety of food offered to maximize limited space available.
- Completeness of the application.
- Support of local restaurants and applicable BIDs.

Existing vendor permits - During the 2014 pilot program, fees and regulations for existing vendors located on State Street, Washington Avenue, and the DMV parking lot will remain the same.

Regulations and requirements for food vendors operating in the public right-of-way

- Between August, 2014 and the end of October, 2014, a maximum of 5 food vendor permits will be available within the public right-of-way throughout the City in areas zoned C-1, C-2, C-3, C-O, C-M. The following locations in Downtown Albany are not available for vending during the pilot program (also see attached map):
 1. Elk Street between Eagle Street and Lark Street
 2. Washington Avenue between Eagle Street and Lark Street
 3. State Street between Eagle Street and Lark Street
 4. Lark Street between State Street and Elk Street
 5. Spring Street between Dove Street and Lark Street
 6. Dove Street between State Street and Washington Avenue
 7. South Swan Street between Madison Avenue and Elk Street
 8. Eagle Street between Lancaster Street/Market Street and Spruce Street
 9. Spruce Street
 10. Park Street
 11. Lancaster Street
 12. State Street between Eagle Street and Lodge Street
 13. Lodge Street between State Street and Columbia Street
 14. Pine Street between Eagle Street and N Pearl Street
 15. Columbia Street between Eagle Street and N Pearl Street
 16. Chapel Street between Pine Street and Columbia Street
 17. Steuben Street between Chapel Street and N Pearl Street
- The permits for the pilot program will be issued by the City Clerk's Office.
- For the 2014 pilot program (August 11-October 31st) application fees will be \$200.
- Food vendors who wish to obtain a 2014 public right-of-way pilot food vendor permit must read all applicable regulations and submit an application to the City Clerk's Office that addresses the following:
 1. Proposed location and hours of operations
 2. Documentation of necessary inspections and permits required by state and local regulations to operate as a mobile food vendor in Albany County. See attached info.
 3. If proposed location is within 150 feet of one or more existing food establishments, applicant must submit letters of support for his/her application from said establishments.
 4. If proposed location is within the boundaries of one of Albany's three Business Improvement Districts (BIDs), applicant must submit letters of support for his/her application from the relevant BID.

Hours of operation

- Hours of operation for food vendors in the public-right-of-way will be determined by the Special Events Review Committee and City Clerk's Office during the application process based on the applicant's proposed hours of operation. The Committee shall be permitted to authorize vendor operations between the hours of 11:00AM and 11:00PM.

Placement and operation of food vendors in public right-of-way:

1. The program permits food and beverage sales only.
2. During the 2014 pilot phase, this section of the Mobile Food Program will be restricted to public right-of-way within areas of the City zoned C-1, C-2, C-3, C-O, or C-M.
3. Placement of devices related to food vendors shall not obstruct or impede the pedestrian path of travel or traffic flow and shall not obstruct sight distance for drivers.
4. Food Vendors must vend to the sidewalk. No food vendors are allowed to vend into the flow of traffic.
5. Food vendors are permitted to operate within designated footprints on roadways within the City's right-of-way and shall not be placed within pedestrian paths of travel (i.e. sidewalks). This includes all related components of the food vendors.
6. The use, marking, or designation of food vendor spaces in no way grants any mobile vendor a vested right or property interest in any specific space, and the marked spaces may be removed if it is determined to be in the interest of public health, safety and welfare.
7. Food vendors must supply, in a prominent location, trash and recycling containers sufficient in size to collect all waste and recyclables generated by customers and staff of the food vendors operation. All trash and debris generated by customers and staff shall be collected by the mobile vendor and deposited in their trash or recycle container and removed from the site by the mobile vendor. Polystyrene foam containers may not be used.
8. Food vendors shall not use stakes, rods, or any method of support that is required to be drilled, driven, or otherwise fixed, in asphalt pavement, curbs, sidewalks or buildings.
9. No mobile food vendor shall provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters.
10. All food vendors shall obey all applicable laws prohibiting excess noise or other nuisance.
11. During a special event, this program is not in effect. Vendors who wish to vend inside the event footprint during special events must apply to the Special Events Office for each event separately. A one-block buffer around events will also be enforced for event pedestrian and vehicular safety.
12. If an area is closed for an emergency or other permitted activity, no vendors will be allowed to set up.
13. Permitted operations will be inspected periodically to ensure program compliance. Any violations could result in a permit being suspended or revoked based on non-adherence to rules and regulations.
14. Mobile food vending must follow all existing codes and ordinances and shall be prohibited at the following locations:

- a. Within 150 feet of a building in which a full-service restaurant or fast-food restaurant is located and operating, unless approval is obtained in writing from the owner of the business(es). Documentation of this agreement must be submitted to the Special Events Office at the time of application.
 - b. Within 20 feet of any structure built of combustible construction or within 10 feet of any structure built of non-combustible construction.
 - c. Within 15 feet of any fire hydrant, fire escape, bus stop, any intersection curb radius return (the point of intersection of the street curb line and the curb radius), any doorway or driveway or other main entrance of any building, and of any emergency or fire exits.
 - d. Within 1000 ft of any elementary or secondary school during regular school hours, as defined in §363-6 of the City Code.
15. All food vendors operating in a Business Improvement District (BID) need approval of the applicable BID prior to operation. There are three Business Improvement Districts in the City of Albany. Contact information for each can be found below:
- i. **Downtown Albany Business Improvement District**
<http://www.downtownalbany.org/>
 40 N Pearl Street, Suite 1, Albany, NY 12207
 518-465-2143 x13
 You can find the boundaries for the Downtown BID here:
<http://www.downtownalbany.org/about-bid/district-boundaries>
 - ii. **Central Avenue BID**
<http://www.centralbid.com>
 176 Central Avenue, Albany, New York 12206
 518-462-4300
 - iii. **Lark Street BID**
<http://www.larkstreet.org/>
 248 Lark Street, Albany, NY 12210
 518-434-3861
16. Applications for food vending permits in the public right-of-way will be issued by the City Clerk's Office and reviewed by the Special Events Committee on a rolling basis. The City Clerk's Office will issue up to five permits to applicants that satisfy the requirements outlined above and that have been approved by the Special Events Committee using the following matrix:.

| 2014 Food Vendor Pilot Permit for the Public Right of Way Special Events Committee Decision Matrix | | |
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| CRITERIA | YES | NO |
| Does applicant have established business located in the City of Albany? | +1 | |
| Is applicant's proposed location within areas of the City zoned C-1, C-2, C-3, C-O, or C-M and not on an off-limit street? | REQUIRED | DENIED |
| Are proposed hours of operation in | REQUIRED | DENIED |

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| accordance with local businesses? | | |
| If applicant's proposed location is located in a BID, does applicant have BID's support? | REQUIRED | DENIED |
| If applicant's proposed location is located within 150 feet of a business serving food and beverages, does applicant have written approval from said business(es)? | REQUIRED | DENIED |
| Vendor has demonstrated capabilities, professional qualifications, and experience. | Preferred | |
| Vendor has adequate availability during pilot program period. | Preferred | |
| Menu options are unique and appropriate. | Preferred | |
| Application is complete. | REQUIRED | DENIED |